

REMARKS

Claims 1-4 are pending in the application. Claims 1-3 have been amended and claims 5-6 have been added, leaving claims 1-6 for consideration upon entry of the present Amendment. As will be discussed in detail below, it is believed that the application is in condition for allowance.

Claims 1 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamauchi et al. (US 5,897,328) ("Yamauchi") in view of Arai (US 6,369,507) and Takayama et al. (US 5,986,632) ("Takayama"). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claim 1, as amended, includes the connection structure between an element to be driven comprising an emissive element having an emissive element layer between a first electrode and a second electrode and a thin film transistor formed in a lower layer of the element to be driven. More specifically, a wiring layer connecting the first electrode of the element to be driven and the thin film transistor is connected to the thin film transistor through a contact hole formed on a first insulation layer covering the thin film transistor and is connected to the first electrode of the element to be driven formed above a second insulation layer through a contact hole formed in the second insulation layer which is formed to cover the wiring layer in an upper layer of the wiring layer. The contact hole formed on the first insulation layer and the contact hole formed on the second insulation layer are placed to be distant from each other in the horizontal direction. Yamauchi, Arai, and Takayama do not teach or suggest those limitations.

Yamauchi teaches that a driving transistor and a first electrode 109 of an organic EL element are formed on the same plane and that the electrode 114, which may correspond to the wiring layer for connecting the thin film transistor and the organic EL element, is formed to partially cover the first electrode 109 of the organic EL element. Thus, the Yamauchi structure is completely different from the structure claimed in claim 1. Furthermore, in

YKJ-0077
09/966,445

Yamauchi, the first electrode of the driving element is directly formed on the substrate 101 and there is no problem of unevenness, which occurs when the first electrode is formed above a contact hole formed on a second insulation layer that covers the wiring layer. As such, one skilled in the art would not look to Yamauchi to reach the claimed invention.

Moreover, Arai teaches that a wiring electrode or the like and an organic EL layer are disposed on the same plane, and do not constitute a layered structure as recited in claim 1. In Takayama, there is no disclosure of the connection structure between a driving element and an EL element. As such, Yamauchi, Arai, and Takayama, either alone or in combination, do not teach or suggest the limitations of claim 1.

Applicant would also like to point out that Yamazaki (US 6,326,249) also fails to teach or suggest the limitations of claim 1. Figure 13A of Yamazaki discloses a connection structure between an emissive element and a thin film transistor, but as is clear from Figure 13A, an electrode (wiring) connected to a thin film transistor is integral with a first electrode of an emissive element and there is no structure connecting the wiring layer and the first electrode of the emissive element. Accordingly, in Yamazaki, there is no need to place a contact position between the thin film transistor and the wiring layer to be distant from a contact position between the wiring layer and the first electrode. Thus, Yamazaki does not teach or suggest the limitations of claim 1 and one skilled in the art would not look to Yamazaki to reach the claimed invention.

Accordingly, because none of the references teach or suggest the limitations in claim 1, Applicant respectfully requests that the rejection be withdrawn.

Claim 2, as amended, includes a contact position between a wiring layer and a thin film transistor being distant from a contact position between a wiring layer and an element to be driven which is formed above the wiring layer. In addition, claim 2 includes that at least a contact hole region of a first electrode of an emissive element for connecting to the wiring layer is filled with a flattening layer and an emissive element layer and a second electrode are formed above the first electrode and the flattening layer filling the contact hole region of the first electrode.

As already described above, none of the references describes that the contact position between the wiring layer and the thin film transistor is placed to be distant from the contact position between the wiring layer and the element to be driven formed above the wiring layer. Moreover, none of the references discloses that the contact hole region of the first electrode

is filled with a flattening layer and there is no contact hole region, that is, a region to be filled with the flattening layer, in each of the first electrodes of the emissive elements disclosed in the references. Accordingly, because none of the references teach or suggest the limitations in claim 2, Applicant respectfully requests that the rejection be withdrawn.

Claim 3, as amended, includes a recess on a first electrode in a region covering a contact hole for connecting the first electrode to a wiring layer that is formed in a lower layer and that the recess is covered by a flattening layer. None of the references discloses a recess present in the formation region of the contact hole in any of the first electrodes of emissive elements. Accordingly, because none of the references teach or suggest the limitations in claim 3, Applicant respectfully requests that the rejection be withdrawn.

In addition, claim 4 include all of the limitations of claim 1. As such, the rejection as to claim 4 should also be withdrawn. Claims 5 and 6 depend from claims 2 and 3, respectively; thus, those claims are allowable claims.

In addition, attached hereto is a marked-up version of the changes made to the application. The attached page is captioned "Version with Markings to Show Changes Made."

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

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In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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